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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|--------------------------|---------------------|------------------|
| 10/775,822 | 02/10/2004 | Alberto Naranjo Carvajal | U 015016-4 | 8187 |
| 140 | 7590 | 10/11/2005 | EXAMINER | |
| LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023 | | | JAGAN, MIRELLYS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2859 | |

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/775,822 | Applicant(s) NARANJO CARVAJAL, ALBERTO | |
| | Examiner Mirellys Jagan | Art Unit 2859 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7,8,10-12,15-19 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1,2,5,7,8,10-12,15-19 and 25-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claim 36 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 36 is drawn to a method for determining the thermal diffusivity on a flat sample of material, whereas the original claimed invention is drawn to a measurement cell for an injection machine. The inventions are distinct, each from the other, because the invention claimed in new claim 36 and the originally claimed invention are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, such as a process for controlling the temperature and pressure of an injection machine.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 36 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

2. The Replacement drawing sheets correcting figures 1 and 2 was received on 7/26/05 and are approved.

Claim Objections

3. Claims 1-24 are objected to because of the following informalities:

In claim 1, it is not clear if each or both of the metallic blocks has the heating and cooling system; and if the blocks are isolated from the bodies that hold the blocks by a space and the polymeric bars, or if it is the cavity that has the polymeric bars for isolating the cavity.

In claim 7, there is lack of antecedent basis in the claim for the cell having a chamber.

In claim 19, there is lack of antecedent basis in the claim for the tubes being inside the cavity.

In claim 25, there is lack of antecedent basis in the claim for the cell having a “mold” and “frames”, as claimed in lines 8 and 18; “the one dimensional heat flow” in lines 7-8. Also, the claim states that the cavity is thin and rectangular, and therefore appears to state that the cavity has 6 ‘faces’: 2 large faces, 2 narrow end faces, and two longitudinal lateral faces. Accordingly, it is not clear which one of the faces is being referred to by “the third narrow face” in line 12, and “fourth narrow lateral face” in line 19. Furthermore, it is not clear how the cavity is in the “form of a plate”, i.e., is the “form of a plate” stating that the shape is like that of a plate?; or if the two temperature sensors are lying on each of the faces, or if there is one temperature sensor per face in the last two lines.

In claim 28, there is lack of antecedent basis in the claim for the polymeric bars being ‘removable’.

In claim 30, there is lack of antecedent basis in the claim for the unit being ‘reusable’.

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Claims 2, 5, 8, 10-12, 15-18, 26, 27, 29, and 31-35 are objected to for being dependent on an objected base claim. Appropriate correction is required.

Allowable Subject Matter

4. Claims 1, 2, 5, 7, 8, 10-12, 15-19, 25-35 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claims:

A measurement cell for an injection machine, the cell comprising a removable and reusable unit of temperature sensors as claimed (see claim 1).

A measurement cell for measuring thermal diffusivity of materials, the cell comprising a removable unit of temperature sensors as claimed (see claim 25).

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following patents disclose an injection-molding device having temperature sensors:

Japanese Patent 06174553 to Adachi

Japanese Patent 56079218 to Motomura et al

Japanese Patent 06031764 to Kurihara et al

Japanese Patent 05004249 to Ishiwatari et al

EPO Patent 0552684 to Teng

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
October 04, 2005



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800